

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:18-CR-00048-KDB-DSC-14**

UNITED STATES OF AMERICA,

v.

ROGELIO VIDAL SANTILLAN,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant Rogelio Vidal Santillan's *pro se* motion for a reduction in sentence under 18 U.S.C. § 3582(c)(2). (Doc. No. 420). Because Defendant has not met his burden to establish that a sentencing reduction is warranted under 18 U.S.C. § 3582(c), the Court will deny his motion.

In 2019, Defendant pled guilty to one count of conspiracy to distribute and to possess with intent to distribute methamphetamine, cocaine, and marijuana. (Doc. No. 205). He was sentenced to 101 months plus five years of supervised release. (Doc. No. 358).

Defendant is a 54-year-old male serving his prison sentence at FDC Honolulu in Hawaii. His current projected release date is December 25, 2025. Defendant bases his current motion on the mistaken notion that the Sentencing Commission has subsequently lowered the guidelines pursuant to 28 U.S.C. § 994(o). (Doc. No. 420, at 1). At sentencing by this Court, the guideline range for an offense level 33 and criminal history of I, was 135-168 months imprisonment. (Doc. No. 359, at 1). Additionally, at sentencing, the Defendant received a downward variance such that his sentence was 101 months imprisonment.

Defendant also feels he is entitled to an additional downward variance because he is a deportable alien and alleges that he does not receive benefits from programming and other incentives available to other inmates that are U.S. citizens such as good time credits, the CARES Act, residential drug abuse program, halfway house placement and home confinement. The Court finds that this generalized complaint applicable to presumably a great many inmates does not justify a reduction in sentence.

For these reasons, Defendant's *pro se* motion for reduction in sentence under 18 U.S.C. § 3582(c)(2)," (Doc. No. 420), is **DENIED**.

SO ORDERED.

Signed: April 12, 2022


Kenneth D. Bell
United States District Judge